<u>REMARKS</u>

Claims 1-12 and 15-59, and 61-94 are pending in the subject patent application as seen on pp. 2-20 of the Reply. Claims 1-18, 48-63, and 84-87 were elected with traverse in the communication filed on January 21, 2007 responding to the restriction requirement. In order to proceed with prosecution, claims 19-47, 64-83, and 88-92 have been withdrawn. Claims 1-3, 5-9, 12-15, 17, 18, 48-54, 57-61, 63, and 84-87 were the only claims acted on in this Non-Final Office Action dated July 29, 2008. Claims 1-12, 15-18, 48-59, 61-63, and 84-87 have been amended; claims 13, 14, and 60 have been canceled; and claims 93 and 94 are new and are drawn from the previously elected species.

Applicants' representative wishes to thank Examiner Augustine for courtesies extended during the interview on September 24, 2008. While the interview related generally to all subject matter, the rejections regarding 35 U.S.C. §102(e) were discussed. In particular, amended claims 1 and 5 were discussed. An agreement was not expressly reached, but applicants' representative appreciates suggestions made by the Examiner with respect to possible allowable features. Such suggestions have been incorporated in the amendments to the claims herein.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.


I.      <u>Objection to Claims 10, 16, 19-47, 55-56, 62, 64-83, and 88-92</u>

Claims 10, 16, 19-47, 55-56, 62, 64-83, and 88-92 are objected to because of the following informalities: The above-referenced claims have the wrong claim status. Applicant's representative respectfully disagrees with the objected to claim status regarding claims 10, 16, 55-56, and 62. In the response to the Restriction Requirement filed on January 21, 2007, applicants' representative elected the species associated with Figures 2A-5, namely, claims 1-18, 48-63, and 84-87 with traverse. According to section 821.01 of the M.P.E.P.,

> Where the initial requirement is traversed, it should be reconsidered. If, upon reconsideration, the examiner is still of the opinion that restriction is proper, it should be repeated and made final in the next Office action. (See MPEP § 803.01.) In doing so, the examiner should reply to the reasons or arguments advanced by applicant in the traverse. Form paragraph 8.25 should be used to make a restriction requirement final. M.P.E.P. §821.01.

The next Office action dated April 6, 2007 was silent with respect to the traverse of the initial restriction requirement. The Examiner further did not indicate which claims were associated to a specific species. As such, for purposes of examination, applicants' representative considers only claims 19-47, 64-83, and 88-92 non-elected with traverse. The non-elected claims have thus been withdrawn. The claim identifiers provisionally elected, including claims 10, 16, 55-56, and 62 retain their current claim status and are treated by applicants' representative as currently pending.

## II.      Rejection of Claims 1-3, 5-9, 12-15, 17, 18, 48-54, 57-61, 63, and 84-87 Under 35 U.S.C. §102(e)

Claims 1-3, 5-9, 12-15, 17, 18, 48-54, 57-61, 63, and 84-87 stand rejected under 35 U.S.C. §102(e) as alleged to being anticipated by DragThing. Applicants' representative notes that the Examiner used three separate references to describe the alleged function of the DragThing software application available at the time of filing. Applicants' representative will continue to reference the three separate references as the Examiner has named them within the Office Action. Applicants' representative will only evaluate the DragThing software application as set forth in the cited responses. Thus, a DragThing Review from Applelinks will continue to be referred to as "Apple." The about information from the DragThing Web site using web.archive.org will continue to be referenced as "DT1." Further, the version history of DragThing from version 1.0 - 4.3 located on the main Web site of DragThing will be referred to as "DT2." Collectively, the Apple, DT1, and DT2 will be referred to as "DragThing." DragThing does not disclose or suggest each and every aspect set forth in the subject claims.

> A single prior art reference anticipates a claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.,* 295 F.3d 1292, 63 USPQD2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim. Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

***Claims 1-3, 5-9, 12-15, 17, 18, 48-54, 57-61, 63, and 84-87***

Applicants' subject matter relates to managing graphical windows corresponding to instantiated software applications in a computer system display. In particular, a graphical user interface includes a graphical window and a graphic control both rendered as the result of the instantiated software program. The graphical window is displayed in one portion of the display, and a graphic control is displayed in another portion of the display. Upon obtaining an indication, a set of guides may direct the placement of the graphic control in a group on the second portion of the display. The graphic controls associated with the different instantiated software programs may be grouped in the second portion of the display, with the group being represented in a distinct manner on the display. To this end, amended independent claim 1 recites ***obtaining an indication to organize*** *the first graphic control and the other than the first graphic control in a group,* ***wherein obtaining the indication includes rendering a set of guides representing inclusion or exclusion from one or more possible groupings in the second portion of the display;*** ***grouping the first and the other than the first graphic controls on the second portion of the display according to the obtained indication;*** *and* ***rendering the grouping in a bordered group*** *in the second portion of the display, the* ***bordered group including the first and the other than the first graphic controls and a graphic group control.***

DragThing is a software tool for organizing desktop objects within a "dock." The dock may be populated by a user dragging application icons from the Finder to an empty square on the dock, or by simply dragging a document into an empty square. DragThing is a way of arranging documents, files, folders, disks and servers by means of a dock on the desktop. In addition, processes may be displayed in a special dock. Each dock is its own separate display. The DragThing allows for many separate docks resulting in many separate portions of the display screen or placing multiple tabs on a default dock (hereinafter "multi-tab dock"). Clicking on a tab provides access to the application icons located in the tab of the multi-tab dock. Assuming, *arguendo*, that the application icons dragged and dropped onto the dock to populate the dock or into a tab on the multi-tab dock are shortcut functions, these shortcut functions are used to instantiate whatever type of file, document, folder, *etc.* to which it refers. These icons are located on the dock and multi-tab dock prior to the instantiation of the shortcut.

In contrast to DragThing, applicants' subject matter *renders a set of guides representing inclusion or exclusion* from a group based off of *obtaining an indication to organize* multiple

graphic controls into groups. Depending on what the indication to organize is, applicants' subject matter will then *group* the graphic controls, and render a *bordered group* containing the graphic controls *and* a graphic group control. DragThing merely provides an empty slot for application icons, or whatever type of file the user is dragging into the dock. The dock does not actively provide a *set of guides representing inclusion or exclusion from one or more possible groupings* from *obtaining an indication to organize*. DragThing further does not then *render* a *bordered group* containing the graphic controls *and* a graphic group control. The dock exists before and after the user populates it with application icons, and does not render a bordered group specific to an obtained indication to organize.

Similarly, claim 48 of applicants' subject matter recites *a organization component for organizing the one or more control tiles in the taskbar,* **the organizing includes obtaining an indication to organize, selecting the one or more control tiles, displaying a set of guides for inclusion or exclusion into one or more group, releasing the one or more control tiles according to the indication to organize**; *a rendering component for displaying the one or more control tiles according to the indication to organize,* **if the indication to organize was for inclusion in a group, the rendering component displays the one or more control tiles within a group, the group including the one or more control tiles and a group control tile visually separated from other items in the taskbar.**

As discussed, *supra,* DragThing does not display *a set of guides for inclusion or exclusion into one or more group* from obtaining an indication to organize and selecting one or more control tiles. DragThing will not then display one or more control tiles *and* a group control tile **within** an area *visually separated from other items in the taskbar.*

Claim 84 recites **means for automatically displaying the two or more control tiles in a group based on an action to organize control tiles, the action to organize triggers a set of guides indicating inclusion or exclusion of a group and places the control tiles within or without the group relative to the set of guides, the group includes the two or more control tiles and a group control tile.** DragThing fails to disclose such aspects.

Similar to the discussion, *supra,* DragThing does not display a set of guides *triggered* by an action to organize. The DragThing dock retains empty slots *sans* a set of guides indicating inclusion or exclusion of a group. The action to organize may place the control tiles *within or*

*without* (*e.g.* inside or outside) of the group based on placement of the control tiles relative to the guides.

In view of the foregoing, it is readily apparent that DragThing does not disclose or teach subject matter recited in claims 1, 48 and 84. It is respectfully requested that the rejection of the claims 1, 48 and 84, and claims 2-3, 5-9, 12, 15, 17, 18, 49-54, 57-59, 61, 63 and 85-87 that depend therefrom, be withdrawn. The rejection of claims 13, 14, and 60 has become moot because claims 13, 14, and 60 have been canceled.

### *Claims 1-3, 5-9, 12-15, 17-18, and 84-87*

Applicants' subject matter relates to managing graphical windows corresponding to instantiated software applications in a computer system display. In particular, a graphical user interface includes a graphical window and a graphic control both rendered as the result of the instantiated software program. The graphical window is displayed in one portion of the display, and a graphic control is displayed in another portion of the display. Upon obtaining an indication, the graphic controls associated with the different instantiated software programs may be grouped in the second portion of the display. To this end, amended independent claim 1 recites: *A method for managing at least two software applications on a display of a computer system comprising: instantiating a first software application on the computer system; instantiating an other than a first software application on the computer system;* **rendering** *the first software application in a first graphical window on a first portion of the display and in a first graphic control on a second portion of the display* **as a result of the instantiation;** **rendering** *the other than the first software application in an other than the first graphical window on the first portion of the display and in an other than the first graphic control on the second portion of the display* **as a result of the instantiation.** Claim 84 recites **means for displaying two or more software applications as corresponding graphical windows when the two or more software applications are instantiated** *on the computer system;* **means for displaying two or more control tiles corresponding to two or more software applications when the two or more software applications are instantiated** *on the computer system.* DragThing fails to disclose such aspects.

As previously discussed, DragThing is a software tool for organizing desktop objects within a dock. The dock may be populated by a user dragging application icons from the Finder

to an empty square on the dock, or by simply dragging a document into an empty square. These application icons are located on the dock and multi-tab dock prior to the instantiation of the shortcut.

In contrast to DragThing, applicants' subject matter discloses *instantiating a software application, rendering the first software application in a first graphical window in a first portion of the display and in a first graphic control in a second portion of the display as a result of the instantiation; rendering the other than the first software application in an other than the first graphical window in the first portion of the display and in an other than the first graphic control in the second portion of the display as a result of the instantiation.* Thus, the instantiation of the software application on the applicants' subject matter causes the rendering of a software application in a graphical display window in a first portion of the display *and* in a graphic control in the second portion of the display. DragThing's icons located in the dock or the multi-tab dock are placed there by the user by dragging the application icon into empty squares on the dock or empty squares of a tab of the multi-tab dock. Thus the user populates the dock with the application icons. While the dock or multi-tab dock may be editable, these icons located in the dock or multi-tab dock are static relative to their use, *e.g.* these icons are located in the dock or multi-tab dock *prior* to the instantiation of the application to which the icon refers and *remain* in the dock or multi-tab dock following the instantiation of the application to which its icon refers. Therefore, icons located on the dock or multi-tab dock are not *a result of the instantiation.* Thus, DragThing fails to disclose the aspects of applicants' subject matter.

For the reasons stated above with respect to claim 1 regarding *as a result of the instantiation* aspect, DragThing fails to disclose icons located in the dock *means for displaying two or more software applications as corresponding graphical windows when the two or more software applications are instantiated on the computer system; means for displaying two or more control tiles corresponding to two or more software applications when the two or more software applications are instantiated on the computer system* as recited in claim 84. As discussed, *supra,* the DragThing application icons are located in the dock *prior* to the instantiation of the application to which the icon refers and remain in the dock following the instantiation of the application to which its icon refers. The icons are not displayed *when* two or more software applications are instantiated. DragThing thus fails to disclose the aspects of claim 84.

Thus, in view of the foregoing, it is readily apparent that DragThing does not disclose or teach subject matter recited in claims 1 and 84. It is respectfully requested that the rejection of independent claims 1 and 84, and claims 2-3, 5-9, 12, 15, 17, 18, and 85-87 that depend therefrom, be withdrawn. The rejection of claims 13 and 14 has become moot because claims 13 and 14 have been canceled.

### *Claims 5, 6, 53, 84, and 86*

Claims 5, 6, 53, 84, and 86 are patentable for the reasons stated, *supra*. Moreover applicants' subject matter relates to being able to simultaneously control the items in the group by use of the graphic group control included in the group when the graphic controls are grouped as discussed, *supra*. To this end, claim 5 recites *the method as recited in claim 1, wherein the graphic group control instantiates a simultaneous action on the first and the other than the first graphic controls and the respective graphical windows corresponding to the graphic controls.* Claim 84 recites *the group includes the two or more control tiles and a group control tile, the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application.* DragThing fails to disclose such aspects.

As discussed, *supra,* DragThing is a software tool for organizing desktop objects within a dock. The DragThing allows for many separate docks resulting in many separate portions of the display screen or placing multiple tabs on a default dock. Clicking on the tab provides access to the application icons located in the tab. DragThing also discloses a special dock to display currently running processes.

In contrast to DragThing, applicants' subject matter recites *the graphic group control instantiates a simultaneous action on the first and the other than the first graphic controls and the respective graphical windows corresponding to the graphic controls* in claim 5 and similarly *the group control tile configured for simultaneous action on both the first instantiated software application and the second instantiated software application* in claim 84. Applicants' representative wishes to point out that *graphic group control* and *graphic control* are distinct aspects in claim 5. The same distinction applies between *group control tile* and *control tiles* recited in claim 84. While DragThing may provide access to different layers of its dock *via* the use of tabs, DragThing merely provides access to the application

icons organized to be located in the tab. Assuming, *arguendo,* that the tab is a *graphic group control* as the Examiner submits in the rejections of this Office Action (*see e.g.* the rejections of claims 1, 48, and 84 in this Office Action wherein the Examiner asserts a tab is a "group control") and the application icon is a *graphic control,* merely the clicking on the DragThing tab does not instantiate simultaneous action on its application icons, it merely provides *access* to the icons. Furthermore, clicking on a tab does not instantiate action on any graphical windows associated with instantiated software program of the application icons. In view of the foregoing, it is readily apparent that DragThing fails to disclose or suggest each and every aspect set forth in claims 5 and 84. It is respectfully requested that the rejection of claims 5 and 84, and claims 6 and 85-87 that depend therefrom, be withdrawn.

Claim 53 further illustrates what a group control may do. Claim 53 recites, *the **group control tile includes one or more group controls** wherein a group control is **minimizing** the graphical windows corresponding **to the one or more control tiles, restoring** the graphical windows corresponding **to the one or more control tiles, closing** the graphical windows corresponding **to the one or more control tiles, saving data** within the graphical windows corresponding **to the one or more control tiles,** or **resizing** the graphical windows corresponding **to the one or more control tiles.** Claims 6 and 86 recite similar aspects to that of claim 53. DragThing fails to disclose such aspects.

As has already been established, DragThing does not instantiate simultaneous actions on the group. As such, DragThing does not simultaneously minimize, restore, close, save data, or resize all the graphical windows in a group. It is respectfully requested that the rejection of claims 6, 53 and 86 be withdrawn.


**III.    Rejection of Claim 4 Under 35 U.S.C. §103(a)**

Claim 4 stands rejected under 35 U.S.C. §103(a) as alleged to being unpatentable over DragThing. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. DragThing, alone or in combination with one of ordinary skill in the art, fail to teach or suggest each and every aspect of applicant's claimed subject matter. In particular, one of ordinary skill in the art fails to cure the aforementioned deficiencies with respect to independent claim 1 from which claim 4 depends.

## CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP2301USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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